

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

CHARLES GUY,

Defendant.

23-CR-49-RA

ORDER

RONNIE ABRAMS, United States District Judge:

On June 28, 2023, Defendant Charles Guy was sentenced principally to a term of imprisonment of 87 months following his guilty plea to conspiring to distribute and possess with intent to distribute fentanyl, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B). At sentencing, the Court calculated Mr. Guy's sentencing guidelines range to be 87 to 108 months' imprisonment, based on an offense level of 27 and a criminal history category of III. The Bureau of Prisons currently projects that Mr. Guy will be released from prison on November 12, 2029.

By way of Amendment 821, the United States Sentencing Commission ("Sentencing Commission") amended the United States Sentencing Guidelines Manual, effective November 1, 2023. As relevant here, Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. The Sentencing Commission made these amendments retroactive.

Before the Court is Mr. Guy's motion for a sentence reduction pursuant to Amendment 821. *See* Dkt. No. 46. The Probation Department has issued a report indicating that he is indeed eligible for such reduction. According to the report, Mr. Guy's amended guidelines range should now be 78 to 97 months, based on a criminal history category of II.

Pursuant to the standing order of the Chief Judge of this District, the Federal Defenders of New York have been appointed to represent Mr. Guy in this Court's consideration of whether his sentence should be modified in light of Amendment 821.

IT IS ORDERED that no later than May 31, 2024, the Government shall advise the Court of its position on the motion for modification of Mr. Guy's sentence.

IT IS FURTHER ORDERED that Mr. Guy shall file his response, if any, no later than July 1, 2024.

The Court's intention, unless a request is made to the contrary, is to resolve this motion based on the parties' written submissions.

SO ORDERED.

A handwritten signature in blue ink, appearing to be 'R. Abrams', is written above a horizontal line.

Hon. Ronnie Abrams  
United States District Judge

Dated: May 1, 2024  
New York, New York

cc: Jennifer Brown, Esq., Federal Defenders of New York